IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Bail Appl..No. 341 of 2007()

CC.106/2005 of J.M.F.C.-III,PALAKKAD
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: PETITIONER/ACCUSED:

SUNIL KUMAR, S/O.PADMANABHAN NAIR,
AGED 39, KOTTAPPURAM, THRIKANDAPURAM, PALAKKAD.

BY ADV. DR.V.N.SANKARJEE
SRI.C.P.PRADEEP

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE HOME SECRETARY,GOVT.SECRETARIAT
THIRUVANANTHAPURAM, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.341 of 2007

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Dated this the 22nd day of January, 2007.

ORDER

Petitioner, who is the accused in C.C.No.106 of 2005 on the file of J.F.C.M.-III, Palakkad for an offence punishable under Section 420 I.P.C., seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the trial court, non-bailable warrant of arrest is pending against the petitioner. According to the petitioner, his bail happened to be cancelled as he was not present before court. Since he was in judicial custody in some other cases, he could not be present before the Magistrate resulting in the cancellation of the bail.

3. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after

examining the petitioner's explanation that on the date of his alleged absence before the Magistrate he was in remanded custody in some other cases.

With this direction, this application is disposed of.

V.Ramkumar,
Judge.

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